



HYDRAULIC PROJECT APPROVAL

RCW 77.55.021 - Appeal Pursuant to Chapter 34.05 RCW

North Puget Sound
16018 Mill Creek Boulevard
Mill Creek, WA 98012-1296
(425) 775-1311

Issue Date: March 05, 2010
Project Expiration Date: February 15, 2015

Control Number: 119488-1
FPA/Public Notice #: N/A

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
King County Road Services Division ATTENTION: Jim Sussex 201 S. Jackson St., M.S. KSC-TR-0231 Seattle, WA 98104-3856 206-296-8737	

Project Name: South Park Bridge Project (CIP 300197)
Project Description: Construct new movable-span South Park Bridge immediately down river and parallel to the existing bridge, and remove the existing South Park Bridge

PROVISIONS

- 1. TIMING LIMITATIONS:** The project may begin August 1 and shall be completed by February 15, 2015, provided,
 - a. Work below the ordinary high water line shall not occur from February 16 through July 31 of any year for the protection of migrating juvenile salmonids.
- 2. APPROVED PLANS:** Work shall be accomplished per plans and specifications approved by the Washington Department of Fish and Wildlife entitled King County Dept. of Transportation South Park Bridge #3179 Replacement dated December 2009, and the South Park Bridge Project Environmental Impact Statement (EIS) dated December 2009, except as modified by this Hydraulic Project Approval. A copy of these plans shall be available on site during construction.
- 3. NOTIFICATION REQUIREMENT:** The permittee or contractor shall notify the Area Habitat Biologist (AHB) listed below by phone (425)379-2306, fax (425)379-2323, or email (Laura.Arber@dfw.wa.gov) of the project start date. Notification shall be received by the AHB prior to the start of construction activities. The notification shall include the control number for this HPA, permittee's name, project location, and the starting date for work.
- 4. NOTIFICATION REQUIREMENT:** The Area Habitat Biologist listed below shall be contacted by phone (425)379-2306, fax (425)379-2323, or email (Laura.Arber@dfw.wa.gov) within seven days of project completion to arrange for a compliance inspection. The notification shall include the control number for this HPA, permittee's name, project location, and the completion date of work.
- 5. All trash and unauthorized fill, including concrete blocks or pieces, bricks, asphalt, metal, treated wood, glass, floating debris, and paper, below the ordinary high water line (OHWL) in and around the applicant's project area shall be removed and deposited at an approved upland disposal site.**

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SOUTH PARK BRIDGE PROJECT CONSTRUCTION

6. Project activities shall be limited to construction of a new movable-span bridge (drawbridge) immediately downriver of and parallel to the existing bridge, and removing the existing South Park Bridge, as illustrated in your plans dated December 2009, except as modified by this Hydraulic Project Approval.

7. During project construction, containment booms and absorbent sausage booms (or other oil-absorbent fabric) shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials released into marine waters as a result of construction activities. All accumulated debris shall be collected and disposed upland at an approved disposal site.

8. As specified in the application, the new bridge length shall be approximately 915 feet from abutment to abutment, and 70-feet 8-inches wide.

9. Several temporary construction work trestles shall be constructed to facilitate in the construction of the new bridge and removal of the old. Temporary trestles shall be in place for approximately 15 months. Temporary pipe piles, sheet pile, and construction trestles shall be removed upon project completion. As specified in provision 10 below, a trestle work plan shall be provided prior to construction.

10. TRESTLE WORK PLAN: Prior to commencing work, the contractor shall submit a final construction work trestle plan to WDFW for its review and written approval. The plan shall include a plan-view and cross-section drawing of the trestles, dimensions of the trestle, number of piles if different from the 366 24-inch piles originally anticipated, and elevations relative to MLLW (0.0=MLLW).

11. As specified in the application, approximately 179 permanent steel piles for the protection piers shall be installed.

12. The 2 piers and associated 58-foot square caissons shall be constructed as illustrated in the plans and EIS dated December 2009.

13. The use of both a vibratory and impact hammer is authorized under this HPA.

14. Sound attenuation methods are required for the driving or proofing of steel piles with an impact hammer below the ordinary high water line. For impact driving of steel piles that exceed the following criteria, a bubble curtain or other WDFW approved sound attenuation device shall be used. The specific criteria include sound pressure levels of:

- Greater than or equal to 206 dB (one microPascal squared per second) peak,
- Greater than or equal to 187 dB (one microPascal squared per second) accumulated sound exposure level (SEL) for fish greater than or equal to 2 grams, and
- Greater than or equal to 183 dB (one microPascal squared per second) (SEL) for fish less than 2 grams.

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The bubble curtain shall be installed and properly functioning around the pile during all driving operations. The bubble curtain shall distribute air bubbles around 100 percent of the perimeter of the piling over the full length of the pile in the water column.

15. As specified in the application, compaction grouting under the existing bridge may be necessary to a depth of 75-95 feet to stabilize the existing bridge.

16. As specified in the application, a sand blanket (approximately 1,041 CY) shall be applied to minimize re-suspension of potentially contaminated sediments during pile driving activities.

17. Any deployed containment, boom or filter structure shall be routinely inspected and repaired as necessary to ensure its function. Debris and substances collected in the containment, boom or filter structure shall be removed from the structure regularly, or whenever accumulation place the structure at risk, and before relocation or the removal of the structure.

18. The bridge structure shall be placed in a manner to minimize damage to the streambed and banks.

19. Dredged materials shall be deposited at an approved, designated Department of Natural Resources deep-water disposal site, or at an approved upland disposal site such that they do not re-enter surface waters of the state.

20. All treated wood, piling, and lumber to be used for the project shall meet or exceed the standards established in 'Best Management Practices For the Use of Treated Wood in Aquatic and Other Sensitive Environments' developed by the Western Wood Preservers Institute (<http://www.wwpinstitute.org/>), revised August 2006.

21. Sawdust, drillings, and trimmings from treated wood shall be contained with tarps or other impervious materials and prevented from contact with the beach, bed or waters of the state.

22. Under no circumstances shall creosote treated piling or lumber be used for project construction.

23. All piling, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.

24. Fresh concrete or concrete by products shall be prevented from entering waters of the state. All forms for any concrete shall be completely sealed to prevent leaching of wet concrete. Impervious materials shall be placed over any exposed concrete not lined with forms that will come in contact with state water. Form and impervious materials shall remain in place until concrete is cured.

25. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach onto the beach.

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BARGE OPERATIONS

26. Barges shall be restricted to tide elevations adequate to prevent grounding of the barge and prop scour.

27. Whenever feasible, the barge location shall be fixed through the use of methods that do not disturb contaminated sediments (e.g. mooring dolphins, docks, piers, upland structures, anchoring in non-contaminated areas). Where these methods are not feasible, non-articulated spuds may be used. Walking spuds are not permitted.

EXISTING BRIDGE REMOVAL

28. The existing South Park Bridge shall be removed in its entirety after the new bridge is completed.

29. The approximate 352 creosote-treated timber piles and timbers associated with the existing pier protection system shall be removed and disposed of upland such that they do not enter waters of the state. In the event that the piles cannot be completely removed then the remainder of the pile shall be removed with a clamshell bucket, chain, or similar means, or cut off 2 feet below the mudline.

30. Extracted piles shall be cut to size as required by container and disposal contractors.

31. Removal of the existing structure shall be accomplished so the structure and associated material does not enter the river. Material shall be disposed of upland so it does not re-enter surface waters of the state.

32. The bridge deck shall be cleaned of aggregate or earth materials prior to bridge removal. This material shall be disposed of so it will not enter the river.

33. Tarps or other containment methods shall be used when cutting or drilling over water to prevent sawdust, asphalt rubble, and other materials from entering waters of the state.

HABITAT PROVISIONS

34. MITIGATION: Impacts to aquatic resources shall be mitigated by creating shallow intertidal habitat and riparian area plantings as illustrated in the plans and the EIS dated December 2009. Shoreline restoration along 280 linear feet of shorelines includes:

- a. Removing existing bank armoring
- b. Reconfiguring the existing bank slope to more gentle slopes and increase tidally influenced inwater habitat by 8,300 square feet
- c. Planting intertidal emergent and riparian vegetation
- d. Adding boulders and large woody debris complexity
- e. On the northerly (Boeing) side, replace existing riverbank armoring with bioengineered riverbank stabilization methods and riparian plantings.

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35. The habitat mix to be placed at the base of the emergent vegetation along the shoreline restoration shall consist of clean sand. Under no circumstances shall gravel be used in this location.

36. Alteration or disturbance of the bank and bank vegetation shall be limited to that necessary to construct the project. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using vegetation or other means. Within one year of project completion, the banks, including riprap areas, shall be revegetated with native or other approved woody species as illustrated in the plans dated December 2009. Vegetative cuttings shall be planted at a maximum interval of three feet (on center) and maintained as necessary for five years to ensure 80 percent survival.

37. Large woody debris shall be placed between MHHW and OHW (MLLW='0'.00).

38. All natural habitat features on the beach larger than 12 inches in diameter, including trees, stumps, logs, and large rocks, shall be retained on the beach following construction. These habitat features may be moved during construction if necessary.

WATER QUALITY PROVISIONS

39. Project activities shall be conducted to minimize siltation of the beach area and bed.

40. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), immediate notification shall be made to the Washington Department of Ecology at 1-800-258-5990, and to the Area Habitat Biologist listed below.

41. All debris or deleterious material resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.

42. An emergency spill containment kit must be located on site along with a pollution prevention plan detailing planned fueling, materials storage, and equipment storage. Waste storage areas must be prepared to address prevention and cleanup of accidental spills.

43. No petroleum products or other deleterious materials shall enter surface waters.

44. Wood treated with preservatives, trash, waste, or other deleterious materials shall not be burned below the ordinary high water line. Limited burning of untreated wood or similar material may be allowed at or above the mean higher high water line.

45. Project activities shall not degrade water quality to the detriment of fish life.

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PROJECT LOCATIONS

Location #1 14/16th Ave S, South Park Bridge

WORK START: August 01, 2010				WORK END: February 15, 2015		
WRIA: 09.0001		Waterbody: Duwamish River/Green River			Tributary to: Elliott Bay	
1/4 SEC: NE 1/4	Section: 32	Township: 24 N	Range: 04 E	Latitude: N 47.529722	Longitude: W 122.31417	County: King
<u>Location #1 Driving Directions</u> South Park spanning the Duwamish Waterway along the 14th/16th Ave S corridor.						

APPLY TO ALL HYDRAULIC PROJECT APPROVALS

This Hydraulic Project Approval pertains only to those requirements of the Washington State Hydraulic Code, specifically Chapter 77.55 RCW (formerly RCW 77.20). Additional authorization from other public agencies may be necessary for this project. The person(s) to whom this Hydraulic Project Approval is issued is responsible for applying for and obtaining any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

This Hydraulic Project Approval shall be available on the job site at all times and all its provisions followed by the person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work.

This Hydraulic Project Approval does not authorize trespass.

The person(s) to whom this Hydraulic Project Approval is issued and operator(s) performing the work may be held liable for any loss or damage to fish life or fish habitat that results from failure to comply with the provisions of this Hydraulic Project Approval.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day and/or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All Hydraulic Project Approvals issued pursuant to RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.141 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The person(s) to whom this Hydraulic Project Approval is issued has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All agricultural irrigation, stock watering or bank stabilization Hydraulic Project Approvals issued pursuant to RCW 77.55.021 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the person(s) to whom this Hydraulic Project Approval is issued: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.301.

APPEALS INFORMATION

If you wish to appeal the issuance or denial of, or conditions provided in a Hydraulic Project Approval, there are informal and formal appeal processes available.

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A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021, 77.55.141, 77.55.181, and 77.55.291: A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval; or

(B) An order imposing civil penalties. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30 days of the denial or issuance of a Hydraulic Project Approval or receipt of an order imposing civil penalties. If agreed to by the aggrieved party, and the aggrieved party is the Hydraulic Project Approval applicant, resolution of the concerns will be facilitated through discussions with the Area Habitat Biologist and his/her supervisor. If resolution is not reached, or the aggrieved party is not the Hydraulic Project Approval applicant, the Habitat Technical Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or his/her designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (EXCEPT agricultural irrigation, stock watering or bank stabilization projects) or 77.55.291:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

(A) The denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval;

(B) An order imposing civil penalties; or

(C) Any other 'agency action' for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife HPA Appeals Coordinator, shall be plainly labeled as 'REQUEST FOR FORMAL APPEAL' and shall be RECEIVED DURING OFFICE HOURS by the Department at 600 Capitol Way North, Olympia, Washington 98501-1091, within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.021 (agricultural irrigation, stock watering or bank stabilization only), 77.55.141, 77.55.181, or 77.55.241: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 43.21L RCW: A person who is aggrieved or adversely affected by the denial or issuance of a Hydraulic Project Approval, or the conditions or provisions made part of a Hydraulic Project Approval may request a formal appeal. The FORMAL APPEAL shall be in accordance with the provisions of Chapter 43.21L RCW and Chapter 199-08 WAC. The request for FORMAL APPEAL shall be in WRITING to the Environmental and Land Use Hearings Board at Environmental Hearings Office, Environmental and Land Use Hearings Board, 4224 Sixth Avenue SE, Building Two - Rowe Six, P.O. Box 40903, Lacey, Washington 98504; telephone 360/459-6327.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS results in forfeiture of all appeal rights. If there is no timely request for an appeal, the department action shall be final and unappealable.



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ENFORCEMENT: Sergeant Mullins (33) P1

Habitat Biologist

Laura Arber

425-379-2306

for Director
WDFW

CC: Port of Seattle
Blomberg, George
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